

[16th August 1954]

(4) THE MADRAS DISTRICT BOARDS (SECOND AMENDMENT) BILL ,
1954 (L.A. BILL NO. 31 OF 1954)

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—“ Mr. Chairman, Sir, the ordinary elections to district boards based on adult franchise will be held during the months of September and October 1954. The number of persons contesting the elections will be considerable and the election campaign and propaganda will be almost unceasing till the last hour of the poll, in which case breaches of peace and disorder may arise. The same elaborate arrangements as for the State Legislative Assembly elections, have, therefore to be made. For the smooth and efficient conduct of these elections it is considered necessary to prohibit public meetings on the dates of poll and the canvassing of votes in or near the polling stations, to deal with disorderly conduct in or near the polling stations, and to empower the Special Officers of District Boards or other specified responsible officials to requisition vehicles, premises, etc., on the lines of the Representation of the People Act, 1951 (Central Act XLIII of 1951). Reasonable compensation will be paid to owners whose vehicles or buildings are so requisitioned.

“ The Representation of the People Act, 1951, does not apply to district board elections, and there are no analogous provisions either under the Madras District Boards Act, 1920, or in the rules for the election of members of district boards framed thereunder.

“ I accordingly move—

‘ That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be taken into consideration.’ ”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly be taken into consideration ’.”

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p.m.

* DR. V. K. JOHN :—“ Mr. Chairman, Sir, personally I think this measure is unnecessary. Elections to municipal councils were held on the basis of adult franchise. After the Constitution of India came into force, elections to the Madras Legislative Assembly and Parliament were held on the basis of adult franchise. These elections went on very peacefully. It is said that the Representation of the People Act, 1951, contains the provisions embodied in this Bill. There was no occasion to put into force the provisions of that Act at all. When there was peace and order in the municipal elections and in the elections to the Legislative Assembly and Parliament conducted on the basis of adult franchise, why should we bring in a Bill for applying these provisions to the district board elections? As a matter of fact, in municipal elections, a larger number of people congregate in a smaller area. The object behind the Bill is to push forward the policy of controlling and

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requisitioning everything and the vesting of more power in the Government. A great writer in America has said that the best Government is the Government which is least in evidence. I personally think that we should not control the liberties of the citizens or requisition their properties. We must trust the genius of our people for order and peace. The policy of the Government should be not to interfere with the liberty of the subject and not to impose controls and regulations unless they are absolutely necessary. But the Government are always anxious to get more and more control in their hands to exercise authority. I repeat that this Bill is unnecessary and that this Bill to control the liberty of the subject should not have been introduced."

SRI MOHAMED RAZA KHAN :—" Sir, I think that there is some justification for the Government to have a set of rules for the conduct of elections based on the provisions of the Representation of the People Act, 1951. Probably the Government felt that provisions similar to those contained in that Act should be made applicable to the district board elections which are going to be held on the basis of adult franchise. A similar situation arose when elections to the Madras Legislative Assembly and Parliament were held in 1952. The manner in which the elections were conducted does credit to the Government. Several crores of voters went to the polls and there was no major incident. Only there were minor incidents here and there. It is in the interests of the Government as well as the people to see that the elections are conducted peacefully. Otherwise, the people's real representatives may not be returned.

" In this Bill, holding of public meetings is prohibited only on the day of the poll. But in the Representation of the People Act, holding of public meetings is prohibited not only on the day of the poll but also on the day previous to the day of the poll. In this respect there seems to be a slight deviation from the Act. No candidate or his supporter will hold meetings on the day of the poll, as on that day all his energy and time will be concentrated upon meeting individual voters and securing their votes. Whatever the rules may be, the advantages and disadvantages are common to all and therefore I do not want to labour that point much. I hope the Honourable Minister will clarify this point.

" I would like to bring this point to the notice of the Honourable Minister though it may not be strictly relevant to the Bill. Many Muslim lady-voters observe *gosha*. They go to the polling booth in bullock carts. The carts are stopped at a distance of about forty or fifty yards away and the voters are asked to walk to the polling booth. I think the Government will do well to instruct the concerned authorities to allow the carts to go as near the polling booth as possible provided, of course, such a course does not lead to congestion of traffic or obstruction to traffic.

" According to the proposed Section 59-F, removal of ballot papers from a polling station is an offence. I understand that the system of voting in district board elections is quite different from

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what it was for the Assembly and Parliament elections. In the Assembly and Parliament elections, the voter is given a ballot paper and asked to deposit it in the box bearing the symbol of his choice. But in the district board elections, according to a statement of the Hon. the Chief Minister, every voter will be given a ballot paper which will contain the names of the contesting candidates and the symbols allotted to them, and the voter will have to make a mark against the name of the candidate of his choice and deposit the ballot paper in the ballot box which will be placed before the polling officer. When the ballot paper has to be deposited in the ballot box in the presence of the polling officer, I cannot understand how there can be any scope for the removal of ballot papers from the polling station. The Hon. the Chief Minister rightly said that in the last elections, there was a tendency among the voters to take away the ballot papers outside and sell them. No one can say more authoritatively on this matter than the Hon. the Chief Minister because he may have seen how ballot papers were taken out of the polling station and sold for eight annas, one rupee, two rupees and so on. I quite accept the change in the system of voting that the Government have brought forward. But as I have explained above, I cannot understand how there can be any scope for removal of ballot papers from the polling station under the revised system. I hope the Hon. the Minister for Finance will clarify this point also.

“ If the Hon. the Minister for Finance will not object and say that it is beyond the scope of the Bill, I wish to say this. I feel that this revised system of voting will meet with success. If it succeeds, the Madras Government will do well to address the Government of India saying that they have tried this system in district board elections and that it has succeeded and recommend it for adoption to the Assembly and Parliament elections. Some people may say, as has already been pointed out in the Assembly, that most of the voters are illiterate and that they may not be able to mark the ballot papers correctly. Whatever be the system, the advantages and disadvantages of it are common to all.”

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p.m.

* SRI G. KRISHNAMOORTHY :—“ Mr. Chairman, Sir, I am quite in consonance with the views of the Government that elections should be conducted on peaceful lines and that there should be no trouble whatsoever from any quarter at the time of the elections. But the remedies prescribed are very very drastic. They do not seem to be remedies at all. They have some sort of a threatening language as referred to by the Hon. the Leader of the Opposition and they also subject the people to a new procedure to the extent of marking on the ballot papers. I should like to have enlightenment from the Hon. Minister “piloting the Bill whether the procedure indicated by the Hon. member Sri Raza Khan is the correct one. I take it that there is to be a deviation in the procedure so far as marking on the ballot papers is concerned. If so, what need has arisen, suddenly for the Government to change the system of voting which has worked so well some

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two years back at the time of the general elections? Have the people, the so-called illiterate masses, turned literate overnight? Do we believe that people who have had no schooling, especially those in the rural areas, have been trained specially for this purpose to hold a pen or a pencil and make a mark on the ballot paper against the name of the candidate or against the symbol which they prefer? I think we are rather going too fast in these matters. I request the Hon. Minister to kindly explain what sudden need has arisen to change the system which had worked so well and had produced peaceful results.

There are certain provisions in this Bill whereby I think Government servants and even teachers who have to act as polling officers or as presiding officers are affected. A presiding officer, if he is found to act contrary to the intentions of the Government, can be punished with imprisonment or with fine or with both."

THE HON. SRI C. SUBRAMANIAM :—" Sir, may I know from the hon. Member what is the section which says 'acting against the intention of the Government'."

* SRI G. KRISHNAMOORTHY :—" Sir, I think it is Section 59-B. A presiding officer will be liable to imprisonment under the law we are contemplating if he is found to act contrary to the intentions of the Government."

THE HON. SRI C. SUBRAMANIAM :—" Sir, can it amount to acting against the intentions of the Government? Is it the intention of the section? "

* SRI G. KRISHNAMOORTHY :—" Sir, the intention of the Government is to conduct the elections peacefully and in an orderly way. What we are concerned with is the conduct of the officer who is to be in charge of the polling office. The officers who are deputed for election duty will naturally be Government servants or teachers. Sir, who is to judge their attitude? They are expected not to side any party. The penalty prescribed is too much. Why should not they be let off with a warning? The offences punishable under most of these sections are cognizable. The officers who are charged will be taken into immediate custody. Is there any necessity to prescribe such drastic punishments in respect of a class of people who have behaved well and acted responsibly in the recent elections? What need is there for bringing this procedure so far as the elections to the district boards alone are concerned?

" There are certain provisions which say that within a distance of 100 yards of the polling station, such things like canvassing for votes, soliciting the vote of any elector, etc., should not be done. I would request the Government to order off the area at least. Otherwise, how are we to find out that such a thing takes place within a distance of 100 yards or not? A person who contravenes

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these provisions shall be punishable with fine which may extend to Rs. 250. So it would be better if the area is cordoned off. In Section 59-D also there are certain provisions which have been defined very vaguely. That section says 'at the entrance of the polling station or in any public or private place in the neighbourhood thereof.' What is meant by neighbourhood? I wish that this expression is defined more clearly and specifically. As the penalties prescribed are too drastic, I would request the Government to take a liberal view of the matter and reduce the punishments. After all, nobody is going to act against the wishes of the Government in these matters. A person acting as a polling officer will be a Government servant or a teacher, who is entitled to travelling allowance from the Government, and he will not act against the intentions of the Government. So, let not the remedies, which are in the form of punishments, be so very drastic. That is my earnest appeal to the Government, Sir."

* **SRI A. SUBRAMANYAM** :—"கனம் தலைவர் அவர்களே, ஸ்தல ஸ்தாபன மந்திரி அவர்கள் கொண்டுவந்திருக்கும் மசோதாவை ஆதரிக்கும் முறையில் சில வார்த்தைகள் கூற விரும்புகிறேன். ஜில்லா போர்டு தேர்தலை அமைதியாக நடத்தும் உத்தேசத்துடன், தேர்தல் அன்று அனாவசியமான சச்சரவு, பிரசாரம், போலிங் டூத் அருகில் நடக்காமலிருக்கவேண்டுமென்ற நோக்கத்தோடு இந்த மசோதா கொண்டுவரப்பட்டிருப்பதால் இதை யார்தான் ஆதரிக்காமலிருக்கமுடியும்? இருந்தாலும்கூட, சில முக்கியமான விஷயங்களில் சர்க்கார் அக்கறை செலுத்தாமல் இருப்பதைக்கண்டு நான் வருந்துகிறேன்.

"குறிப்பாக இந்த நாட்டில் ஏராளமான பாமர மக்கள் எப்படி வோட்டுப்போடுவது என்பதை அறியாமல், தெரிந்து கொள்ளாமல் இருக்கிறார்கள் என்பதை யாவரும் ஒப்புக்கொள்வார்கள். இப்படிப்பட்ட அவலமான முறை நீடித்துக்கொண்டிருக்கும்போதே ஏற்கெனவே இருந்த சின்னப்பெட்டியில் வோட்டுப்போடும் முறையை மாற்றி அவரவர்களைய சின்னங்களுக்கு எதிரில் 'இன்ற', மார்க் அல்லது வேறு எந்த மாதிரியான ஒரு குறியையாவது போட்டு வோட்டுப் பெட்டியில் போடவேண்டுமென்று சொன்னால் இதைத்தான் என்னால் ஒப்புக்கொள்ள முடியவில்லை. இதை மாற்றவேண்டுமென்பது என்னுடைய ஆசை. நம் நாட்டில் படித்தவர்கள் நூற்றுக்கு இருபத்தைந்து பேர்களுக்கூட இல்லை. மேலும் பெண்களோ மொத்த ஜனத்தொகையில் சரிபாதிக்கு மேல் இருக்கிறார்கள். இவர்கள் எல்லோரும் தற்குறிகளை! 'பால்ட்', பேப்பரில் குறிபோட்டு வோட்டுப்பெட்டியில் போடவேண்டுமென்று சொல்வது கொஞ்சம்கூட சரியாகாது. மேல் சபைக்கு அங்கத்தினர்களை சட்டசபை அங்கத்தினர்கள் தேர்ந்தெடுக்கும்போதே இவர்கள் Single transferable வோட்டு எப்படிப் போடுவது என்று தெரியாமல் பல தப்புக்களைப் புரிந்திருக்கிறார்கள். குறிப்பாக முன்பு நடந்த மேல் சபைத்தேர்தலில் 120 வோட்டுக்களுக்கு 10 வோட்டு செல்லத்தக்காதகாது அறிவிக்கப்பட்டிருக்கின்றது. தற்போது நடந்த தேர்தலிலும் 126 வோட்டுக்களில் 124 வோட்டுக்கள் பதிவாயின. அதிலும் 2 வோட்டுக்கள் செல்லுபடியாகாதென அறிவிக்கப்பட்டிருக்கிறது. இப்படிப் படித்தவர்கள், மக்களின் வோட்டுக்களைப்பெற்று சட்டசபை அங்கத்தினர்களாக இருப்பவர்கள், சட்டம் என்னவென்பதை அறிந்தவர்கள், வோட்டுப் போடும் முறையையே ஏற்படுத்துபவர்கள் இவ்வாறு பல தப்புக்களைச் செய்கிறார்கள் என்றால் பொதுமக்கள், படிப்பறிவில்லாத பாமர மக்கள் எவ்வளவு தப்பு செய்வார்கள் என்பது யாவரும் அறிந்த விஷயமாகும். மேலும், இம்மாகாணத்தில் சற்றேறக்குறைய மொத்த ஜனத்தொகை 3 கோடியாகும். அதில் 2 கோடி ஜனங்கள் பிற்பட்ட இனத்தைச் சேர்ந்த பாமர மக்களாகும். இதர ஒரு கோடி மக்களில் பல லக்ஷங்கள் கொண்ட

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ஹரிஜனங்களுமாவார்கள். ஆகவே பழைய முறைப்படியே அபேட்சகர்களின் சின்னமிடப் பெட்டியிலே வோட்டுப் போடவேண்டுமென்பதை உடனடியாகக் கொண்டுவரவேண்டுமென்பது அரசாங்கத்தின் கடமையும், பொறுப்புமாகும் என்பதை எடுத்துக்காட்ட விரும்புகிறேன். எனவே அதை உடனடியாகக் கொண்டுவரவேண்டுமென்றும் கேட்டுக்கொள்ளுகிறேன்.

“அடுத்தபடியாக நூறு கஜத்திற்குள்ளாக வோட்டுப் போடுபவர்களுக்கு லஞ்சம் எதுவும் கொடுக்கக்கூடாது. அப்படிக்கொடுத்தால் அவர்களைத் தண்டிக்க நடவடிக்கை எடுக்கப்படுமென்றும் சொல்லப்பட்டிருக்கிறது. எனக்கு நன்றாகத் தெரியும். தேர்தல் தினத்தன்று பெரும்பாலும் நூறு கஜத் தூரத்திற்குள்ளிலிருக்கும் மாரியம்மன் கோவில், ஆலமரத்தடி போன்ற இடங்களில் மக்களின் கையில் நாலணு, அல்லது எட்டணு என்று காசை வைத்து அவர்களை வோட்டுப்போடச் சொல்லி வோட்டுச் சாவடிக்கு அனுப்புவதை நான் பார்த்திருக்கிறேன். பலரும் பார்த்திருப்பார்கள். போலிஸ் அதிகாரிகளிடமும், தேர்தல் அதிகாரிகளிடமும், ‘அவர்கள் பேரில் நடவடிக்கை எடுங்கள், என்று சொன்னால் அவர்கள் பதிரங்கமாகவே, “எங்களால் எந்த நடவடிக்கையும் எடுக்க முடியாது. நீங்கள் வேண்டுமானால் தேர்தல் கோர்ட்டுக்குப் போங்கள், என்று சொல்லிவிடுகிறார்கள். ஆயிரம் ரூபாய் கையில் இருந்தால்தான் தேர்தல் கோர்ட்டுக்குப் போகமுடியும். பணமுள்ளவர்கள் போகிறார்கள். இருந்தாலும் இம்மாதிரி லஞ்சம் கொடுக்கும் பழக்கத்தையும், ‘வோட்டுப் போடுகிறேன்,’ என்று சொல்லி லஞ்சம் வாங்கும் பழக்கத்தையும் ஒழிக்க சர்க்கார் 500 பேர்களுக்கு ஒரு வோட்டுச் சாவடி என்று ஏற்படுத்தவேண்டும். ஏனென்றால் சிலர் மிக அதிகமான தூரம் போகவேண்டுமென்றே ஏற்ற சோம்பலில் போகும் செலவிற்காவது ஆயிற்று என்று சொல்லி இம்மாதிரியாக லஞ்சம் வாங்குகிறார்கள். கொடுப்பதும் தப்பு; வாங்குவதும் தப்பு. ஆகவே தட்டு கொடுக்கும், வாங்கும் பழக்கத்தை அடியோடு ஒழிக்க 500 பேர்களுக்கு ஒரு சாவடி என்று ஏற்படுத்தவது நலம். 500 பேர்களுக்கு ஒரு சாவடி என்று ஏற்படுத்தினால் ரொம்பவும் செலகர்யமாக இருக்கும்.

“இரண்டாவதாக ஆண்களுக்கு ஒரு booth, பெண்களுக்கு ஒரு booth என்று இருப்பதைவிட ஆண்களுக்கு ஒன்றும் பெண்களுக்கு இரண்டு booths என்று ஏற்படுத்தினால் நலமாக இருக்கும்.”

THE HON. SRI C. SUBRAMANIAM :—“Some of the remarks 3.40
of the hon. Member are a little bit irrelevant. I did not want to p.m.
interfere in the beginning itself.”

* SRI A. SUBRAMANYAM :—“நான் சொல்லுகின்ற விஷயம் இம் மசோதாவிற்குச் சம்பந்தப்பட்டதாக இல்லாவிட்டாலும் இவைகளில் சர்க்கார் கொஞ்சம் கவனம் செலுத்தவேண்டுமென்று கேட்டுக்கொண்டு என் பேச்சை முடித்துக் கொள்ளுகிறேன்.

“எனக்கு பேச சந்தர்ப்பம் அளித்தற்காக, கனம் தலைவர் அவர்களுக்கும் என்மனமாந்த நன்றியைத் தெரிவித்துக் கொள்ளுகிறேன்.”

* SRI K. BHASHYAM :—“Mr. Chairman, Sir, I do not want to make general observations on the Bill except to say that the bringing forward of this Bill on the eve of the district board elections is looked upon with some suspicion and there is a feeling that the Government have introduced this Bill for their own purpose. I wish the matter had been taken up much earlier and the Bill had been brought before this House long before the district board elections were thought of, and it would have been better if they had done so.

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“ Now, I will confine myself to two or three points on which I want some clarification or some elucidation. Section 59-B introduced in this Bill says—

‘ (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the Returning Officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of votes) for the furtherance of the prospects of the election of a candidate.’

It is also stated in sub-section (2) that the person who is appointed as the Returning Officer ‘ shall not persuade any person to give his vote at an election ’ or ‘ dissuade any person from giving his vote at an election ’. Is it the idea of the Government that if a person unconnected with political parties and who is a teacher in a school or is employed in some office, is appointed as the Returning Officer or Assistant Returning Officer four or five days before the election, he should not speak to his own relatives or friends about the election for those four or five days? If the intention of the Government is to see that he does not really work for any particular candidate or canvass votes on the date of the election, I can understand it. But the clause as it stands, interferes with his normal right of persuading persons to vote when he is appointed as the Returning Officer or Assistant Returning Officer some four or five days before the election. It also imposes a penalty of ‘ imprisonment which may extend to six months or with fine or with both ’. Of course, the intention of the Government may be good and they want to see that the polling officers shall not act for any particular candidate or influence voting in any other way. After all, who is the Returning Officer and when does he become a Returning Officer? Even though he may be appointed some four or five days before the date of the election, he acts as the Returning Officer only on the date of the election. That is a matter which has been left in ambiguity in this section and, I am afraid, it may be taken up to the courts.

“ Then, I come to Section 59-G relating to the requisitioning of premises, vehicles, etc., for election purposes. Of course, exemption is given in the case of residential buildings. Other than residential buildings, some buildings are used for public purposes. For instance, there are buildings used for public worship and schools. Generally, at the time of election, the school buildings are used for election work and a holiday is declared on the election day by the school authorities. Is it right to give a holiday to students because the elders are going to the poll? Therefore, it is better that these buildings are also excluded from the provisions of this section, and, I am sure, the Government will give instructions that these school buildings should not be requisitioned for election purposes.

“ As regards the payment of compensation, it is somewhat curious to find in the Bill that, if there is a dispute between an

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aggrieved person and the Government over the amount of compensation, it shall be referred to an arbitrator appointed by the Government alone. It would have been better if the matter has been left over to be decided in a court of law. Sir, as it is, the decision of the arbitrator appointed by the Government is final. Even though I have not given notice of an amendment to this section, I feel that the person appointed as the arbitrator should be a disinterested person, preferably a Judicial officer."

THE HON. SRI C. SUBRAMANIAM:—"That is what is being done now."

* SRI K. BHASHYAM:—"Why cannot the Government put it in the Statute itself so that complications may not arise later on? I think it was when the Defence of India Rules were in force, the appointment of the arbitrator was left in the hands of the Government, but that was done to meet emergency cases and now there is no emergency and we are out of all those things. Sir, as it stands in the Bill, the arbitrator is appointed by the Government without the concurrence of the other party. These are the points which require clarification from the Government and I hope they will take note of them all when the Act is administered."

* SRI A. M. ALLAPICHAI:—"Mr. Chairman, Sir, as it has been clearly stated by some of our hon. friends, the last general election was a grand election and our country ought to be proud of that election. More than 18 crores of our people took part in the election perhaps in the most calm and peaceful manner and everyone is proud of that. To a very great extent the credit also goes to the several political parties which had taken part in the election. The leaders of these several political parties had gone to the constituencies and spoke to the people at great length on what they had to do at the time of election. So, in that way the electorate got educated and, I think, there is no harm in our having this system of voting, viz., the voter should make some mark against the name of a particular candidate to whom he wants to vote. We should not think that because the majority of our people are illiterate, all of them will commit mistakes. No doubt, some of them may commit mistakes but what will be the effect of it? The Congress Party, the Socialist Party, the Communist Party and other Parties will go to the people and teach them what they should do at the time of voting. So, it will have a very good effect and people will get educated. Let us not be perturbed over it. Therefore, I feel that the Government have done a right thing in introducing this Bill."

* THE HON. SRI C. SUBRAMANIAM:—"Mr. Chairman, Sir, I am replying to the debate on behalf of the Hon. Minister in charge of the Bill. The hon. the Deputy Leader of the Opposition, in his usual way, opposed this Bill. I find that he has found a worthy supporter of his criticism of the various clauses in this

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Bill, in hon. Member Sri G. Krishnamoorthy who is trying to emulate the example of the hon. Deputy Leader of the Opposition. But the hon. Deputy Leader of the Opposition has got the answer from one of his own party men with reference to the necessity for this Bill. So, I do not think that it is necessary for me to go into the general criticism which hon. Member Dr. John was pleased to make.

3-50
p.m.

"Hon. Member Sri Mohamed Raza Khan made out a point that there is a departure as far as the proposed Section 59-A is concerned. I am sorry he has made a mistake. I find that word for word, it is the same as Section 60 of the Representation of the People Act, 1951. Even under this section meetings are prohibited only on the polling day. I am sorry the hon. Member is not here. I verified Section 59-A with Section 60 of the Representation of the People Act and I find that they are the same word for word. The hon. Member remarked that there seemed to be a difference in regard to the holding of public meetings. I find that even in the Representation of the People Act, 1951, the provision is the same. It is only on the date of polling that meetings are prohibited. From mid-night, 12 o'clock, onwards there should be no public meeting whatsoever and I do not think we have made any departure. I think it is only on the previous day that all efforts are made to have public meetings everywhere so that a final appeal can be made to the electorate. I, therefore, think that it is quite proper that we retain the provision as it is in the Representation of the People Act, 1951.

"Then, with reference to the Returning Officer and the Assistant Returning Officer, I do not know why the hon. Member Sri K. Bhashyam made a mistake. Returning Officers are appointed immediately an election is to take place even for the purpose of receiving nominations and scrutinizing them. Assistant Returning Officers are appointed to assist the Returning Officers. As soon as one is appointed he becomes the Returning Officer and in the case of the elections to the Assembly, generally, it is either the Collector or the Revenue Divisional Officer who is appointed as the Returning Officer and, in regard to the elections to the District Boards, the District Panchayat Officers are appointed as Returning Officers."

* SRI K. BHASHYAM :—"Sir, on a point of information, are not these officers appointed some days before the elections?"

* THE HON. SRI C. SUBRAMANIAM :—"Mr. Chairman, Sir, the Returning Officer is appointed as soon as the elections are announced. He is invariably an official. As a rule, we cannot expect that he will be given an opportunity to canvass votes on behalf of parties. He is an official presiding over the entire proceedings of the election from the date of nomination up to the end of the counting of the votes. If such an officer is to be allowed to participate in the canvassing of votes, certainly, it will not give the impression of impartiality as far as the various candidates are

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concerned. As a matter of fact, no official is expected to take part and they are prohibited from taking part in any election. I do not, therefore, think that any objection could be taken in this regard.

“ Hon. Member, Sri G. Krishnamoorthy, mentioned that the penalties provided were too drastic. After all, what is provided for is that in certain cases, according to the severity of the offence, both a fine as well as a sentence of imprisonment could be imposed. Merely because a sentence of imprisonment is provided for, it does not mean that a sentence of imprisonment will be invariably imposed. It will all depend on the merits of each case. In cases of misbehaviour only the Government will take action and, if it is serious enough, it will go before a Court and the Court will award the punishment according to the nature of the offence. It is not necessary that a sentence of imprisonment should be awarded in respect of every offence.

“ Then the same hon. Member referred to the punishment to be imposed if anybody acted against the intentions of the Government, though he guarded himself later on by saying that the intention of the Government was the peaceful conduct of elections. There is no question of the intentions of the Government coming into the picture at all. The intentions are only those of the Legislature. We are now sitting here as representatives of the people and are passing this Bill. Of course, when the Bill is passed into an Act, the Government will have to take action under its provisions. It is not our intention that utilizing the provisions of the Bill, we want to get votes for our own party. Absolutely, that is not the intention. If anything, I may tell the hon. Member who is not accustomed to the adult franchise electorate and the canvassing there, any official pressure, however slight it may be, only reacts most unfavourably to that pressure. The voter, when he goes to the polling booth, there is nobody to see in whose favour he is casting his vote and, if there has been any undue pressure, it will only go against the person who exerted that pressure. I am quite prepared to agree that there may be purchasing of votes, etc., but I am not prepared to believe and nobody will believe it when stories are told that a particular person voted in a particular manner because of intimidation or official pressure being brought to bear on him. It cannot happen also because the voter is free enough when he casts his vote inside the polling booth.

“ Then certain remarks were made with regard to the requisitioning of premises and of vehicles. The hon. the Deputy Leader of the Opposition, Dr. V. K. John, said that these provisions are absolutely unnecessary as far as the elections to the district boards are concerned. He asked: ‘ Were not municipal elections conducted on adult franchise without such provisions? Therefore, what is the necessity for them in regard to the coming elections to district boards? ’ After all, the areas of municipalities are restricted and it is not necessary for the election officials to go

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from one place to another over long distances. Even, if vehicles are not requisitioned, there are buses running in most of the big towns or the distance may be very short and the officers can go on bicycles. Here, in regard to the District Board elections, a constituency is spread throughout a firka, and the elections will be taking place throughout the district. The concerned officers will have to be going about in order to have an effective check. We cannot expect every officer who has to exercise such check to own a car. Under these circumstances, the Government have to depend upon other vehicles. Are we to ask these officers who have to exercise authority during the elections to depend upon somebody's car and be at the mercy of one party or the other? Power should therefore be vested in the Government to requisition vehicles for the purpose of exercising supervision over the conduct of the elections.

“ With reference to buildings, the polling stations have to be located somewhere. In fact, there has been a demand that for every 500 voters there should be a polling station. That being the case, the Government cannot take up a building programme for locating these polling stations. I do not think that even the Deputy Leader of the Opposition would agree to it. We have therefore to depend upon buildings belonging to some other persons and we have got to use them. Our Constitution provides that the buildings cannot be requisitioned except according to law. That is the reason why we are making a provision here in this Bill under which the buildings can be requisitioned for this specific purpose. We are trying to act in a strictly constitutional manner so that no property is taken even temporarily, though the purpose is a very good one, except under the authority of law. Instead of welcoming it, the hon. the Deputy Leader of the Opposition said that it was unnecessary for the Government to take this power. I think, if we exercise our executive authority and force people to give up their buildings for this purpose, then there will be some justification for the hon. the Deputy Leader of the Opposition to come and say the Government should not exercise this authority as the Constitution says that no property can be requisitioned except under the authority of law. It is only to meet the requirements of the Constitution that we are making this provision.

“ When it is necessary to requisition buildings, we have to pay compensation and we are providing for it accordingly. After all, we are not permanently taking over these buildings. We are going to requisition them for only one or two days for a definite purpose. Hon. Member, Sri K. Bhashyam, who is a lawyer and is accustomed to law Courts asked why the Government should exclude the Courts for the purpose of deciding any dispute in regard to the amount of compensation. After all the amounts to be paid for the use of the buildings or the vehicles for a few days are not likely to be very large and therefore it is proposed to appoint an arbitrator. The hon. Member seems to think that

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somebody will be appointed who will favour only the Government. Even when an official is appointed as an arbitrator he has to act according to his conscience and he has to give his decision as an arbitrator. In all these things, if only hon. Members have seen how this system had worked during the last General Elections, they would not make any complaint. During the last Assembly elections, I think, we appointed only District Judges as arbitrators and this system had worked well. Perhaps in this election District Munsifs may be appointed. The Government will bear in mind the suggestions in regard to these matters that only judicial officers should be appointed as arbitrators.

“ Lastly the method of voting was also referred to. Even 4 p.m. though it is not quite relevant, I think it is quite necessary to advert to it at least in a brief manner. Sir, we are now experimenting in the method of voting. Ultimately the method of voting by marking against the printed name should be adopted. For that end we have to work. During the last Assembly elections we resorted to the symbol system because of the large number of illiterate people who were not able to read and write. Formerly when the Assembly elections were held with a restricted electorate, colour boxes were used for the purpose of identification of candidates. During the last Assembly elections, we went a step further and said: ‘ Let us have symbols this time. Let people get themselves accustomed to remember symbols and distinguish the candidates to whom they want to vote.’ The symbol system worked very well and the people in spite of difficulties here and there, were able to recognise the symbols and vote according to their own inclinations. Therefore during the last Assembly elections it had been possible to educate the electorate to distinguish between one symbol and another.

“ After the Assembly elections, we thought we should go a step further. We have to educate the electorate and at the same time we should be progressive also. We should not be stagnant. During the panchayat elections we thought we should make an experiment in this direction. For the elections to the major panchayats we adopted the method of printing the symbol against the name of the candidate and the voters were asked to put a mark against the candidate of his choice. The mark need not be a ‘ X ’. It may be any mark and that will be taken as a vote for the candidate against whose symbol and name it is put.

“ The further thing we want to do is to help a person to make a mark on the ballot paper properly. Should we not educate the electorate at least to that extent? If we do not do it now, when are we to make any progress? I am sure we are taking a right step. The step adopted during the panchayat elections has worked fairly well. Instead of welcoming this measure, let not motives be attributed that we are trying to block the illiterate voters from voting and that the Government have got some ulterior motive.

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“As far as the voting system is concerned in the symbol box system, the ballot box is kept inside a room out of the view of the Polling Officer and the voter has got to drop the voting paper inside the ballot box. In this system there were some malpractices, namely, carrying away of the ballot papers. In one case I knew a ballot paper belonging to one Polling Station was found placed inside a box kept in another Polling Station. That was a serious defect we noticed. We want to avoid such a thing happening now. One way of avoiding this is by introducing a system by which the voter after marking in the ballot paper will bring it before the Polling Officer and drop it in the box kept before the Polling Officer. Even in this system some malpractices may be adopted. A voter may fold a blank paper and put it inside the ballot box before the Polling Officer and take away with him the ballot paper. The Polling Officer too cannot unfold the paper before the voter puts it into the box to find out whether it is a genuine ballot paper or not because he is not entitled to do so. Another person may bring with him two such ballot papers and after folding them he may put them inside the box. Such a thing happening is not an impossibility, and I do not want to say how to get over such difficulties. When the Opposition in the other House brought forward an amendment . . .”

SRI A. SUBRAMANYAM :—“வோட்டர்களை, வோட்டுச் சாலைக்கு வெளியே பாலட் பேயர்களைக் கொண்டுவரச் செய்து, ஒருவர் இவைகளை யெல்லாம் சேர்த்து உள்ளே போய் பெட்டிக்குள் போட வசதியுண்டா, என்று கேட்கிறேன்?”

*** THE HON. SRI C. SUBRAMANIAM** :—“The point is this. One person cannot bring ten or fifteen ballot papers and drop all of them at a time. At the most, a person instead of dropping one ballot paper can drop two ballot papers. If there is any suspicion, provision has been made enabling the Polling Officer or any other officer on his behalf for searching the voter to find out if he has taken with him any voting paper. Therefore, wholesale taking away of voting papers and one person going and dropping ten or fifteen voting papers at a time cannot happen in the present system of voting. At the most one can drop into the ballot box two voting papers. I am only explaining to hon. Members why a provision for punishing such offenders has been incorporated in the Bill. I am sure this system of marking on the ballot paper is a step forward as far as the voting system is concerned and I am hoping that before long it will be possible for us not to adopt any symbols at all and the people will be educated enough to mark against the names in the ballot paper. Even the best of our voters, the most educated people sometimes do commit mistakes. As a matter of fact, I know a person who had been to foreign countries and who had foreign education and who voted in the elections to the Council came and confessed to me later on that he put a X mark instead of marking 1, 2 and so on. It is possible even for educated people to commit mistakes. Anybody is bound to make mistakes and it is not only the illiterate

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people that make mistakes. Because mistakes are committed, it should not be said that we should not make any changes at all. As far as the voting system is concerned, we are bound to make changes, bound to make experiments until we finally arrive at a formula of marking against the name on the ballot paper which is the best. Let not hon. Members go away with the impression that these changes are made with some ulterior motives. The only motive is the education of the voter in the art of voting."

MR. CHAIRMAN :—" The question is—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI S. S. RAMASWAMI PADAYATCHI :—
" Mr. Chairman, Sir, I move—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be passed into law.' "

MR. CHAIRMAN :—" The question is—

' That the Madras District Boards (Second Amendment) Bill, 1954 (L.A. Bill No. 31 of 1954), as passed by the Assembly, be passed into law.' "

The motion was carried and the Bill was passed into law.

* DR. V. K. JOHN :—" I want to pay a compliment to the Hon. Minister Sri C. Subramaniam for his very clever speech but regret I am not persuaded by it and I still oppose the Bill."

* THE HON. SRI C. SUBRAMANIAM :—" May I know whether the hon. Member is entitled to say after the Hon. Chairman has stated that the Bill has been passed into law that he is still opposing it? " (Laughter.)

(5) THE MADRAS ESTATES LAND (REDUCTION OF RENT) BILL^a, 1954
(L.A. BILL NO. 32 OF 1954).

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

' That the Madras Estates Land (Reduction of Rent) Amendment Bill, 1954 (L.A. Bill No. 32 of 1954), as passed by the Assembly, be taken into consideration.'

^a Printed as Appendix VI on pages 525-526 infra.